



JC04 Rec'd PCT/PTO 27 JUN 2005

Attorney Docket No: 1171/42323/150-PCT-US

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Wixey et al.  
For: BREATHING ASSISTANCE  
APPARATUS  
Serial No.: 10/518,331  
Filed: December 15, 2004  
Art Unit: Not yet assigned  
Atty Docket No.: 1171/42323/150-PCT-US

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 24, 2005  
Date

Tiffany E. Sexton  
Tiffany E. Sexton

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**MAIL STOP: MISSING PARTS**

Sir:

The above-noted application was filed on December 15, 2004, via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

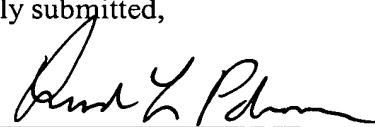
- a. The original Declaration and Power of Attorney for Patent Application, executed by the inventors, David Fraser Wixey; Alastair Edwin McAuley; Christopher Earl Nightingale; Lewis George Gradon and Ivan Milivojevic.
- b. A copy of the aforementioned Notice to File Missing Parts of Application
- c. A check in the amount of \$130.00 for payment of late filing of the executed Declaration and Power of Attorney.

If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: June 24, 2005

By: \_\_\_\_\_

  
Raiford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Attorneys for Applicant  
Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
105 W. Adams Street, 36th Floor  
Chicago, IL 60603-6299  
(312) 704-1890



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*F&P H. Case 150-PCT*  
*US*

U.S. APPLICATION NUMBER NO. 10/518,331	FIRST NAMED APPLICANT David Fraser Wixey	ATTY. DOCKET NO. (1171/42323) Case 150-PCT
 <b>TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE &amp; MARR, LTD.</b>		
INTERNATIONAL APPLICATION NO. PCT/NZ03/00152		
LA. FILING DATE 07/11/2003	PRIORITY DATE 07/12/2002	

00279  
 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.  
 105 WEST ADAMS STREET  
 SUITE 3600  
 CHICAGO, IL 60603

CONFIRMATION NO. 5738  
 371 FORMALITIES LETTER  
 \*OC000000016260149\*  
 \*OC000000016260149\*

Date Mailed: 06/13/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/15/2004
- Copy of the International Search Report filed on 12/15/2004
- Copy of IPE Report filed on 12/15/2004
- Preliminary Amendments filed on 03/07/2005
- Information Disclosure Statements filed on 12/15/2004
- Oath or Declaration filed on 12/15/2004
- U.S. Basic National Fees filed on 12/15/2004
- Priority Documents filed on 12/15/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,331	PCT/NZ03/00152	(1171/42323) Case 150-PCT